

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.
Secretary to the Commission

VOLUME 15. Part 17. Pp. 329—338

OPINION 451

Use of the Plenary Powers to secure that the specific name *dingo* Meyer, 1793, as published in the combination *Canis dingo*, shall be the oldest available name for the Dingo of Australia (Class Mammalia)

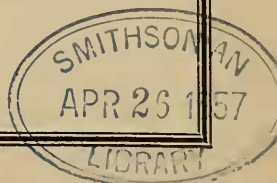
LONDON :

Printed by Order of the International Trust for
Zoological Nomenclature
and

Sold on behalf of the International Commission on Zoological
Nomenclature by the International Trust at its Publications Office
41, Queen's Gate, London, S.W.7
1957

Price Six Shillings and Sixpence

(All rights reserved)



INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 451

A. The Officers of the Commission

Honorary Life President : Dr. Karl JORDAN (*British Museum (Natural History),
Zoological Museum, Tring, Herts., England*)

President : Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*)
(12th August 1953)

Vice-President : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(Arranged in order of precedence by reference to date of election or of most recent re-election
as prescribed by the International Congress of Zoology)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(1st January 1947)

Senor Dr. Angel CABRERA (*La Plata, Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th
July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw,
Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt
a.M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu
Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice-President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August
1953) (*President*)

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*) (12th
August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y.,
U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation,
Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*)
(29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th
October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*)
(6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November
1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge,
Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*)
(16th December 1954)

OPINION 451

USE OF THE PLENARY POWERS TO SECURE THAT THE SPECIFIC NAME "DINGO" MEYER, 1793, AS PUBLISHED IN THE COMBINATION "CANIS DINGO" SHALL BE THE OLDEST AVAILABLE NAME FOR THE DINGO OF AUSTRALIA (CLASS MAMMALIA)

RULING : (1) Under the Plenary Powers the specific name *antarticus* Kerr, 1792, as published in the combination *Canis antarticus*, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name No. 1139 :—

dingo Meyer, 1793, as published in the combination *Canis dingo*.

(3) The specific name specified in (1) above, as there suppressed under the Plenary Powers, is hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* with the Name No. 380.

I. THE STATEMENT OF THE CASE

On 27th September 1950, Dr. G. H. H. Tate (*The American Museum of Natural History, New York*) submitted to the International Commission on Zoological Nomenclature the following application in which he asked for the suppression under the

Plenary Powers of the specific name *antarticus* Kerr, 1792, as published in the combination *Canis antarticus*, in order to secure thereby that the specific name *dingo* Meyer, 1793, as published in the combination *Canis dingo*, the name commonly used for the Dingo of Australia (Class Mammalia), should be the oldest available name for that species :—

Proposed use of the Plenary Powers to validate the specific name
 “Dingo” Meyer, 1793, as published in the combination “*Canis dingo*” as the name for the Dingo (Class Mammalia)

By G. H. H. TATE

(*The American Museum of Natural History, New York*)

The purpose of the present application is to ask the International Commission to use its Plenary Powers to preserve the specific name *dingo* Meyer, 1793, as published in the combination *Canis dingo*, as the specific name for the Dingo of Australia.

2. The facts of this case are very simple. The generally accepted name for this animal is *Canis dingo* Meyer, 1793 (*Syst.-summ. Uebers. neust. Entdeck. Neuholland Africa* : 33). Recently, however, T. Iredale (1947, *Proc. Roy. zool. Soc. N.S.W.* 1946/1947 : 35) has discovered that the foregoing name for the Dingo is antedated by the hitherto totally overlooked name *Canis antarticus* Kerr, 1792 (*Anim. Kingd. zool. Syst. Linnaeus* : 136).

3. This discovery is extremely unfortunate, having regard to the desirability of retaining the specific name *dingo* Meyer for this well-known animal and the unnecessary confusion in nomenclature which would follow upon the displacement of this name by one which has never been used since the time when it was first published over a hundred and fifty years ago.

4. I accordingly ask the International Commission :—

- (1) to use its Plenary Powers to suppress the specific name *antarticus* Kerr, 1792, as published in the combination *Canis antarticus*, for the purposes of the Law of Priority but not for those of the Law of Homonymy ;
- (2) to place the name *dingo* Meyer, 1793, as published in the combination *Canis dingo*, on the *Official List of Specific Names in Zoology* ;

- (3) to place the specific name *antarticus* Kerr, 1792, as published in the combination *Canis antarticus* and as suppressed under the Plenary Powers under (1) above on the *Official Index of Rejected and Invalid Specific Names in Zoology*.

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of Dr. Tate's application, the question of the suppression under the Plenary Powers of the specific name *antarticus* Kerr, 1792, as published in the combination *Canis antarticus*, was allotted the Registered No. Z.N.(S.) 487.

3. Support received prior to publication from T. C. S. Morrison-Scott (British Museum (Natural History), London) : On 5th February 1955, Dr. T. C. S. Morrison-Scott (*British Museum (Natural History), London*) addressed a letter to the Office of the Commission in which he intimated his support as follows (Morrison-Scott, 1955, *Bull. zool. Nomencl.* **11** : 168) :—

I understand that Dr. G. H. H. Tate of the American Museum of Natural History, New York, has submitted an application to the International Commission on Zoological Nomenclature regarding the name of the Dingo of Australia.

Iredale wants to bring into use the name *Canis antarticus* Kerr, 1792, a virtually unknown name. I should like strongly to support Dr. Tate's appeal that the name *Canis dingo* Meyer, 1793, should be saved. It is by this latter name that the Australian Dingo has been known for years, and it would be irritating and absurd to upset the nomenclature of this animal after all this time.

May I at the same time beg colleagues who discover cases of priority of this sort to hurry their unfortunate finds off to the Commission for burial, rather than broadcast them. The *Règles* are intended to be our servants and not our masters, and it is sheer masochism to inflict unnecessary inconvenience on oneself in this way—to say nothing of the wear and tear on the tolerance of colleagues.

4. Publication of the present application : The present application was sent to the printer on 19th January 1955 and was published on 28th February in the same year in Part 4 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Tate, 1955, *Bull. zool. Nomencl.* **11** : 121).

5. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature in the present case was given on 28th February 1955 (a) in Part 4 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the part in which Dr. Tate's application was published) and (b) to the other prescribed serial publications. In addition such Notice was given also to a number of general zoological serial publications and to two serial publications concerned with mammalogy, one in Europe and one in America.

6. Comments received subsequent to the publication of the present application : The publication of the present application in the *Bulletin of Zoological Nomenclature* and the issue of the Public Notices specified in paragraph 5 above elicited comments from three zoologists. The authors of two of the communications so received expressed their support for the action proposed in the present case, while the author of the third intimated his objection to that action. The communications so received are reproduced in the immediately following paragraphs.

7. Support received from Joshua L. Baily, Jr. (San Diego, California, U.S.A.) : On 4th May 1955, Dr. Joshua L. Baily, Jr. (*San Diego, California, U.S.A.*) addressed the following letter to the Office of the Commission in support of the present application :—

Under the two numbers cited above the following names are discussed :—

Canis dingo Meyer, 1793 ; *Canis australia* Kerr, 1792 ; *Canis antarcticus* Kerr, 1792 ; *Canis antarcticus* Bechstein, 1799. The validation of the first two and the suppression of the last two requested.

Since there is no doubt at all as to the meaning of the first two, and since the last two are homonyms, which are always likely to be confusing, I am in agreement with both petitions, though for a slightly different reason than those advanced by the petitioners.

8. Support received from J. Chester Bradley (Cornell University, Ithaca, N.Y., U.S.A.) : On 2nd June 1955, Professor J. Chester Bradley (*Cornell University, Ithaca, N.Y., U.S.A.*) communicated to the Office of the Commission the following note in which he indicated the grounds on which he supported the action proposed in the present case :—

Canis dingo. Z.N.(S.) 487. Agreed, in accordance with the Copenhagen Principle of Conservation.

9. Objection received from Philip Hershkovitz (Chicago Natural History Museum, Chicago, Illinois, U.S.A.) : On 26th September 1955, Dr. Philip Hershkovitz (*Chicago Natural History Museum, Chicago, Illinois, U.S.A.*) addressed the following letter to the Office of the Commission in regard to the present case :—

According to the evidence presented, *Canis antarcticus* Kerr, 1792, is the earliest valid name for the Australian Dingo. Morrison-Scott objects to the use of this name and sponsors, instead, *Canis dingo* Meyer, 1793. It is significant that Morrison-Scott's objection¹ brushes aside two important considerations. The first is the Law of Priority. The second is the fact that *Canis antarcticus* is a current name.

Morrison-Scott's final argument against nomenclature by Rule is his exhortation for "colleagues who discover cases of priority of this sort to hurry their unfortunate finds off to the Commission for burial, rather than broadcast them. The *Règles* are intended to be our servants and not our masters, and it is sheer masochism to inflict unnecessary inconveniences on oneself in this way—to say nothing of the wear and tear on the tolerance of colleagues". It is only meet to reaffirm that the *Règles* are neither servants nor masters. They are

¹ The application in this case was, it will be recalled, submitted by Dr. G. H. H. Tate (*American Museum of Natural History, New York*). The passage here referred to is in the comment on that application by Dr. T. C. S. Morrison-Scott which is reproduced in paragraph 3 of the present *Opinion*.

a Code of conduct. Those who abide by the Code do not consult their personal convenience when nomenclatorial problems confront them nor are they intolerant of colleagues who find correct, logical and ready solutions for such problems in the Code.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

10. Issue of Voting Paper V.P.(55)33 : On 22nd November 1955 a Voting Paper (V.P.(55)33) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the specific name to be used for the Dingo (Class Mammalia) as set out in Points (1) to (3) in paragraph 4 on page 121 of Volume 11 of the *Bulletin of Zoological Nomenclature*" [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

11. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 22nd February 1956.

12. Particulars of the Voting on Voting Paper V.P.(55)33 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(55)33 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-five (25) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Hering ; Riley ; Vokes ; Mayr ; Jaczewski ; Lemche ; Prantl ; Dymond ; Esaki ; Bodenheimer ; Mertens ; do Amaral ; Hankó ; Boschma ; Sylvester-Bradley ; Key ; Cabrera ; Bonnet ; Miller ; Tortonese ; Kühnelt ; Bradley (J.C.) ; Stoll ; Hemming ;

(b) *Negative Votes* :

None ;

(c) *Voting Papers not returned* :

None.

13. Declaration of Result of Vote : On 23rd February 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(55)33, signed a Certificate that the Votes cast were as set out in paragraph 12 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

14. Preparation of the Ruling given in the present " Opinion " : On 17th November 1956, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(55)33.

15. Original References : The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

antarticus, *Canis*, Kerr, 1792, *Anim. Kingd. zool. Syst. Linnaeus* :
136

dingo, *Canis*, Meyer, 1793, *Syst.-summ. Uebers. neust. Entdeck. Neuholland Africa* : 33

16. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly

hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

17. The present *Opinion* shall be known as *Opinion* Four Hundred and Fifty-One (451) of the International Commission on Zoological Nomenclature.

DONE in London, this Seventeenth day of November, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING